

<u>No:</u>	BH2020/03272	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	24 Holland Road Hove BN3 1JJ		
<u>Proposal:</u>	Change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	08.12.2020
<u>Con Area:</u>	BRUNSWICK TOWN	<u>Expiry Date:</u>	02.02.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	N/A
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Avante Ltd C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	YO426 - 061		12 November 2020
Proposed Drawing	YO426 - 062		12 November 2020
Location Plan	YO426 - 001		12 November 2020
Block Plan	YO426 - 002		12 November 2020
Proposed Drawing	YO426 - 050	A	8 February 2021
Proposed Drawing	YO426 - 051		12 November 2020
Proposed Drawing	YO426 - 052		12 November 2020
Proposed Drawing	YO426 - 060		12 November 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. All new windows and doors indicated on the approved plans shall be constructed of timber and shall have a painted finish to match the existing windows.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
4. The visitor accommodation hereby approved shall be used for the purpose of short-term accommodation only and occupation by a person or persons shall be limited to less than 7 consecutive days and nights and shall be so maintained.
Reason: The accommodation is unsuitable for long term occupation contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing nos YO426-50A, YO426-51 and YO426-52 and shall be retained as such thereafter. The communal areas shall be retained as communal space at all times and shall not be used as bedrooms.
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. The visitor accommodation hereby approved shall only be occupied by a maximum of Twenty (20) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to prevent an unacceptable harmful impact upon neighbouring properties, and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. The development hereby permitted shall not be first occupied until a noise management plan to control the hours of use of the terrace and preclude its use as an outdoor event space with amplified sound has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
8. The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
9. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall

be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. The application relates to a two-storey detached property on the western side of Holland Road, near to the junction with Western Road. The property is unlisted but is located within the Brunswick Town Conservation Area. The site is located on the boundary of the Central Brighton area designated in policy SA2 of the City Plan Part One (CPP1). The building was in use as a language school, however following the onset of the COVID-19 pandemic this use has ceased.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a change of use to 10-bedroom visitor accommodation (sui generis). The application also includes external alterations including new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters have been received, objecting to the proposal for the following reasons:
 - Loss of property value
 - Severe noise disturbance for neighbours
 - Application is vague/misleading
 - Application understates likely occupancy
 - Proposal is for a large party house for stag/hen groups
 - Increased amenity impact compared to language school use
 - Inappropriate location in a residential area
 - Loss of language school

- Marketing insufficient
- Planning conditions cannot mitigate for the likely disturbance

5.2. **Councillor Clare** has objected to the application. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

6.1. **Children and Young Peoples Trust:** No comment received

6.2. **City Parks:** No comment received

6.3. **Environmental Health:** No objection

A Noise Management Plan should be secured by condition, to control the hours of use of the garden space and preclude its use as an outdoor event space with amplified sound.

6.4. **Heritage:** No comment

6.5. **Housing:** No comment received

6.6. **Planning Policy:** Not supported

It has been demonstrated that the site is not needed for its current use or for an alternative community use, and exception criteria of Local Plan Policy HO20 therefore applies. However, the policy goes on to state that where an exception (a-d) applies, a priority will be attached to residential and mixed-use schemes. The proposed use for sui generis visitor accommodation is not in accordance with this policy requirement.

6.7. The proposal also represents new visitor accommodation outside of the central Brighton area, raising concerns with regard to City Plan Policy CP6.

6.8. **Private Sector Housing:** No comment

6.9. **Southern Water:** No comment

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

6.10. **Sports Facilities:** No comment received

6.11. **Sustainable Transport:** Comment

The proposed pedestrian access should be redesigned so that the front gates open flat against the inside of the boundary walls, and ramps should be installed.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP5	Culture and tourism
CP6	Visitor accommodation
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM1	Housing Quality, Choice and Mix
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DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed external alterations and the impact on neighbouring amenity. The standard of accommodation to be provided and sustainable transport matters are also material considerations.

Principle of Development:

Loss of language school

- 9.2. The existing language school use ceased operation at the onset of the COVID-19 pandemic, and the building is currently empty.
- 9.3. Policy HO20 of the Brighton and Hove Local Plan states that planning permission will not be granted for development proposals that involve the loss of community facilities. Exceptions apply to the policy. Evidence accompanying the application includes a marketing campaign covering a 12-month period in order to attract alternative community uses. It is therefore considered that the applicant has demonstrated that the community use is redundant, and the proposal complies with criterion D of policy HO20.
- 9.4. As such no objection is raised in principle to the loss of the language school and this aspect of the scheme is supported by the policy team.

Proposed visitor accommodation

- 9.5. The proposed Sui Generis visitor accommodation would be for short-term visitors, with a maximum stay of 7 days. The accommodation would be self-catered with no on-site management. The proposed accommodation does not comply with policy HO20, which states that where an exception to policy HO20 is made, preference is given to residential and mixed-use schemes. The proposal for visitor accommodation does not comply with this. Whilst the policy requirements are noted, weight is given to other policies in the development plan which are explained below.
- 9.6. Policy CP6 of the Brighton & Hove City Plan Part One seeks to ensure the provision of a sufficient and wide-ranging type of visitor accommodation, and specifically directs new hotel accommodation into the Central Brighton Area.

- 9.7. The application site is located just outside of the Central Brighton area and so would not comply in this regard.
- 9.8. However, it is recognised that the proposed Sui Generis visitor accommodation is not strictly a hotel use, which would come under a separate C1 use class.
- 9.9. Accordingly, it is considered that a more flexible approach can be taken in this case. The site is well served by public transport and allows easy access to other facilities and attractions in Central Brighton and would therefore align with the aims of policy CP6 as set out in the supporting text p.4.62. Moreover, the proposal would not prejudice existing hotels or guest houses due to the different nature of accommodation provided.
- 9.10. The proposal would also accord with the aims of Policy CP5 (Culture and Tourism) of the Brighton & Hove City Plan to maintain the cultural offer of the City.
- 9.11. The proposal is for short term let accommodation and therefore a condition has been attached to ensure the accommodation is used for short term accommodation only as this matter is fundamental to the acceptability of the application and long term accommodation may have planning implications and has not been assessed as such.
- 9.12. Accordingly, no objection is raised to the principle of the development, subject to the compliance with other local and national policies.

Design and Appearance:

- 9.13. The proposed external alterations comprise:

To the front elevation:

- the addition of new railings and gate.

To the rear elevation:

- the enlargement of a ground floor window to form a door;
- the enlargement of 2no first floor windows and addition of Juliette balustrading.

To the side (north) elevation):

- the removal of the fire escape staircase and reduction of the existing second floor door to a window.

- 9.14. It is considered that the proposal alterations are acceptable and would not have a significant harmful impact upon the character and appearance of the site or the wider Brunswick Town Conservation Area, in accordance with policies CP12 and CP15 of the CPP1 and QD14 and HE6 of the BHLP.

Impact on Amenity:

- 9.15. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause

material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 9.16. The proposed external alterations would be unlikely to give rise to a significant harmful impact on neighbouring amenity in terms of overshadowing, loss of light, or overlooking.
- 9.17. However, the proposed Sui Generis visitor accommodation use does have the potential to result in a significant increase in noise and activity levels and associated disturbance for occupiers of the nearby residential properties, compared to the existing language school use. Whilst the numbers of persons travelling to and from the building may not increase, the pattern and timings of movements would likely change, as would the potential for more frequent or intensive use of the indoor and outdoor spaces, including the rear garden and the proposed first floor meeting room which due to its size could potentially host speaker systems and associated activities.
- 9.18. Public comments have raised concerns regarding potential large 'party house' use and this is also recognised as a legitimate concern for a property of this size and location.
- 9.19. A Management Plan can be secured by condition to address this, in accordance with the comments of the Environmental Health team. The full details of the Management Plan can be finalised by condition, however the following should be addressed (non-exhaustive list):
- The clear communication of a specified set of House Rules as a condition of letting;
 - The hours and manner of use of the outdoor spaces;
 - The playing of amplified music;
 - The clear display of contact details for the landlord/host or managing agent to the front of the building;
 - Smoking policy including designated smoking areas;
 - Membership of a regularly visiting noise patrol.
- 9.20. In addition to the requirements of the Management Plan, the maximum occupancy of the building can be limited by condition to 20, as per the reasoning set out in the subsequent Standard of Accommodation section of this report.
- 9.21. It is noted that the Council has separate noise abatement powers outside of the Planning regime to control any significant noise and disturbance which may arise, despite the above planning related controls.

Standard of Accommodation:

- 9.22. The proposed accommodation would be set over three storeys, and would comprise 10no bedrooms of approx. 12.6sqm, 14.3sqm, 21.3sqm, 14.3sqm, 22.8sqm, 11.1sqm, 8.5sqm, 12.6sqm, 12.3sqm, and 18.0sqm. There would be 7no bathrooms (some ensuite), a kitchen, living room and dining room, and a large 50sqm meeting room on the first floor. the habitable rooms would in the main be of regular proportions and layouts, each with access to some form of natural light and outlook. Whilst some bedrooms are better in this regard than

others, the resulting harm to the amenity of occupiers would be reduced due to the short-term nature of the accommodation proposed.

- 9.23. The provision of shared communal kitchen/living/dining spaces is considered appropriate. However, were these spaces to be converted to further bedrooms this would have a detrimental impact upon the living environment provided, as well as potentially increasing the impact upon neighbouring properties. A condition is therefore recommended to secure the internal layout by condition.
- 9.24. On the above basis, the accommodation proposed is considered to be acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 9.25. The proposal is unlikely to result in a significant uplift in trip generation.
- 9.26. The proposal includes 2no Sheffield stands and 2no bike lockers to provide secure, long term and also short stay cycle parking. This is considered acceptable in principle, and further details of the long-stay cycle parking can be secured by condition.
- 9.27. No on-site car parking is proposed, which is in accordance with SPD14 standards.
- 9.28. Following the comments of the Local Highways Authority the drawings have been updated to include the provision of access ramps, and the front gates are now openable 180 degrees to ensure that the gates do not obstruct movement within the site when opened.

Other Considerations:

- 9.29. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.30. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".

Conclusion:

- 9.31. The proposed change of use is considered acceptable in principle, as is the design and appearance of the proposed external alterations. The impact upon neighbouring amenity and standard of accommodation provided can be accepted subject to the recommended conditions. No concerns are held regarding the transport implications of the proposal, following amendments. Approval is therefore recommended.

10. EQUALITIES

- 10.1. The proposal has been amended to include access ramps and a greater arc of opening for the front gates to enable mobility impaired access and movement throughout the site.